

Application No. 09/369,231

REMARKS

In the Office Action of July 25, 2003, the Office has maintained its previous rejection of all of the pending claims under 35 U.S.C. §102(b) as anticipated by or in the alternative under 35 U.S.C. §103(a) as obvious over United States Patent 4,734,112 to Okita et al. (hereafter "Okita et al."). Additionally, the Office further states that the Declaration of James Walter submitted in support of patentability fails to overcome the rejection because it provides information allegedly not commensurate with the scope of the claims. As is explained below, each of the grounds for rejection is addressed with the submission of the attached Supplemental Declaration of James Walter. Reconsideration and allowance of all of the pending claims are respectfully requested.

In rejecting all the claims over the Okita et al. patent, the Office states that "the claimed microstructure of expanded PTFE surface would be inherently present in the prior art product." Office Action of July 25, 2003, at 2. This is not correct. As was previously explained during the Interview on May 28, 2003 and in the original Declaration of James Walter, the Okita et al. patent does not teach the material claimed in the pending claims and such material is in no way inherently described in the Okita et al. reference. In order to be eminently clear on this point, applicant provides the attached Supplemental Declaration of James Walter that plainly states that the Okita et al. patent does not teach or suggest the inventive material of the present invention and that such material is not inherent in Okita et al.'s teaching. Supplemental Declaration of James Walter, at Par. 4 and 5. The attached Supplemental Declaration fully overcomes that allegation of inherent teaching supporting the present rejection.

The present Office Action also discounts the original Declaration of James Walter because the information it supplies is allegedly not commensurate with the scope of the claims. Applicant disagrees with this assertion. The original Declaration contrasts the processing steps taught by Okita et al. with the processing steps taught by the present application in order to demonstrate that the inventive material taught in the present application could not have been inherently created through Okita et al.'s process. This is not to say that the material claimed in the present application may only be achieved using the processes taught in the present application, but only that such material is in no way inherently taught in the Okita et al. reference.

In order to be very clear about the commensurate scope of Mr. Walter's declaration with the present claims, his Supplemental Declaration now directly ties the inventive structural features of the present invention with specific language in each of independent claims 1, 2 and 10. See

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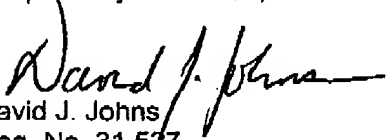
Supplemental Declaration of James Walter, Par. 3. The two declarations of Mr. Walter now very clearly explain that the structure claimed in the present application is both new and non-obvious over the Okita et al. patent. There is no basis to require the insertion of process limitations into the claims.

Finally, the Supplemental Declaration of James Walter establishes secondary considerations in support of patentability of the present invention as claimed. First, the commercial success of the present invention is established in Paragraphs 6 and 7. Second, the acceptance of the present invention over prior art devices in fulfillment of long-felt need is demonstrated in Paragraph 8.

Conclusion

Accordingly, each of the pending claims 1-7, 10 and 12-27 is new and non-obvious over all of the cited references. Applicant respectfully requests reconsideration and allowance of all of the claims in the present application. If any questions remain, applicant requests an interview before issuance of the next Office Action.

Respectfully submitted,


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Date: 1/23/04